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\*\*E-filed 8/25/05\*\*

Attorneys for Plaintiff MICROSOFT CORPORATION

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

SUNCREST ENTERPRISE, a California  
corporation; and YI-LING CHEN, an individual  
a/k/a EILEEN CHEN,

Defendants.

CASE NO. 03-CV-5424-JF/HRL

STIPULATION TO CONTINUE PRE-  
TRIAL AND TRIAL DATES;  
[PROPOSED] ORDER

SUNCREST ENTERPRISE, INC., a California  
corporation,

Third Party Claimant,

v.

M-PLUS INTERNATIONAL TECHNOLOGY,  
INC., a California corporation; SIMON PL YU,  
an individual; and AILEEN Y. JIN, an  
individual,

Cross-Defendants.

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3 The parties participated in a mediation on May 12, 2005 and after several follow up  
4 discussions, plaintiff Microsoft Corporation ("Microsoft") and defendants Suncrest Enterprise and  
5 Yi-Ling Chen a/k/a Eileen Chen (collectively, "Defendants") had contemplated that they would be  
6 able to reach a settlement of their portion of the case. Microsoft accordingly filed a Notice of  
7 Settlement with the Court on July 6, 2005. However, Microsoft and Defendants were  
8 unsuccessful in finalizing the settlement. Consequently, the parties request a continuance to allow  
9 them to complete discovery, which had been deferred in light of the afore-mentioned settlement.  
10 The parties further request a continuance because Microsoft and Defendants are currently working  
11 toward a resolution of a discovery dispute and request the continuance so that they can resolve this  
12 dispute without expending the parties' resources and the Court's resources associated with a  
13 motion to compel.

	<u>Current Dates:</u>	<u>Proposed Dates:</u>
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17	Discovery Cut-off:	September 12, 2005
18	Dispositive Motion Hearing Cut-off:	November 14, 2005
19	December 9, 2005	February 10, 2006
20	Pre-Trial Conference	January 6, 2006
	Trial	March 3, 2006
	January 20, 2006	March 17, 2006

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23 |||

1 **IT IS SO STIPULATED:**


2  
3 **DATED:** August 8 2005

**PERKINS COIE LLP**

4  
5 By:   
6 Jennifer N. Chiaralli  
7 Attorneys for Plaintiff  
8 **MICROSOFT CORPORATION**


9  
10 **DATED:** August 17 2005

**GORMAN & MILLER, P.C.**

11 By:   
12 John C. Gorman  
13 Attorneys for Defendants  
14 **SUNCREST ENTERPRISE and YI-LING**  
15 **CHEN a/k/a EILEEN CHEN**

16  
17 **DATED:** August 25 2005

**SHAWN T. LEUTHOLD**

18 By:   
19 Shawn T. Leuthold  
20 Attorneys for Cross-Defendants  
21 **M-PLUS INTERNATIONAL**  
22 **TECHNOLOGY, INC., SIMON PL YU, and**  
23 **AILEEN Y. JIN**

24  
25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26  
27 **Dated:** August 25 2005

/s/electronic signature authorized

28 **HON. JEREMY FOGEL**  
**United States District Judge**

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1620 26<sup>th</sup> Street, Sixth Floor, Santa Monica, California 90404.

On August 17, 2005, I served a true copy of **STIPULATION TO CONTINUE PRE-TRIAL AND TRIAL DATES; [PROPOSED] ORDER** on the interested parties in this action by placing said document enclosed in a sealed envelope (for collection and mailing, with postage thereon fully prepaid, on the same date, following ordinary business practices) in an internal collection basket, addressed as follows:

**John C. Gorman**  
**Craig Alan Hansen**  
**GORMAN & MILLER, P.C.**  
**210 North Fourth Street, Suite 200**  
**San Jose, CA 95112**  
**Telephone: (408) 297-2222**  
**Facsimile: (408) 297-2224**

**Attorneys for Defendant/Cross-Claimant SUNCREST ENTERPRISE, INC. and Defendant YI-LING CHEN**

**Shawn T. Leuthold**  
**Attorney at Law**  
**4122 Factoria Blvd. SE, #408**  
**Bellevue, WA 98006**  
**Telephone: (425) 643-8600**  
**Facsimile: (425) 643-8606**

**Attorneys for Cross-Defendants SIMON P. YU, AILEEN Y. JIN and M-PLUS INTERNATIONAL TECHNOLOGY (dba Microplus International Technology)**

☒ **BY MAIL)** I am readily familiar with this business's practices concerning collection and processing of correspondence for mailing with the United States Postal Service, and declare that correspondence is deposited with the United States Postal Service on the same day it is internally collected at Perkins Coie LLP in the ordinary course of business.

☐ **(BY HAND DELIVERY)** I caused each envelope to be delivered by hand to the offices listed above..

☐ **(BY OVERNIGHT)** I caused each envelope, with postage fully prepaid, to be sent by DHL Express.

☐ **(BY E-MAIL)** I served a true copy of on the interested parties in this action by email, addressed as follows:

1 [XX] **(BY FACSIMILE/TELECOPY)** I caused each document to be sent by Automatic  
2 Facsimile/Telecopier to the number(s) indicated above.

3 [ ] **(STATE)** I declare under penalty of perjury under the laws of the State of  
4 California that the above is true and correct.

5 [XX] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of  
6 this court at whose direction the service was made.

7 Executed on August 17, 2005, at Santa Monica, California.

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9 SANAYE KUMAGAI  
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